

To: CN=Erin Foresman/OU=R9/O=USEPA/C=US@EPA@EPA[]
Cc: []
Bcc: []
From: CN=Tim Vendlinski/OU=R9/O=USEPA/C=US
Sent: Thur 10/25/2012 4:24:16 PM
Subject: Re: BDCP item for weekly

thanks!

From: Erin Foresman/R9/USEPA/US
To: Karen Schwinn/R9/USEPA/US@EPA, Sam Ziegler/R9/USEPA/US@EPA, Tim Vendlinski/R9/USEPA/US@EPA
Date: 10/25/2012 08:48 AM
Subject: BDCP item for weekly

This week, the Sacramento District Army Corps told us they plan to accept an "overall purpose statement" for the BDCP Delta Conveyance Tunnel Project (present day peripheral canal) CWA 404 permit application, despite EPA's view that it does not comport with CWA 404 regulations and Department of Army Guidance. The Delta Conveyance Tunnel project is seeking a permit under ESA, but it will also need a CWA section 404 permit. This decision by the Corps follows many months of discussion with DWR (the lead State BDCP agency) and EPA where ultimately DWR "convinced" the Corps to agree with an overall project purpose statement that is defined by the preferred alternative. This action renders analysis of alternatives meaningless. The Corps' own policy is clear that an applicant's preferred alternative does not belong in the purpose statement. The Corps may grant a permit for the preferred alternative if the alternatives analysis shows that it is the LEDPA. We informed the Corps we would reiterate our view in writing.

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I work a part time schedule (M 7:30a - 4:00p, T - F 7:30 - 2:00p)